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## PARSONS HSUE & DE RUNTZ LLP

655 MONTGOMERY STREET, SUITE 1800 ♦ SAN FRANCISCO, CALIFORNIA 94111

Telephone: (415) 318-1160 ♦ Fax: (415) 693-0194

November 12, 2003

Mail Stop Fee Amendment  
Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Re: Applicant(s): Virginia Goss Tusher  
Title: Significance Analysis of Microarrays  
Application No.: 09/811,762 Filing Date: March 19, 2001  
Examiner: Ardin H. Marschel Group Art Unit: 1631  
Docket No.: STAN.058US1 Conf. No.: 8102

Dear Sir:

Transmitted herewith are the following documents in the above-identified application:

- (1) Return Receipt Postcard;
- (2) This Transmittal Letter;
- (3) Response to Office Action;
- (4) Petition for Extension of Time; and
- (5) Check in the amount of \$110.00.

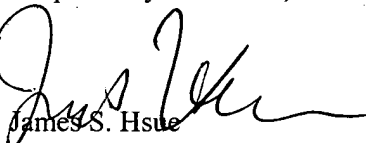
Please charge any additional fees required and credit any overpayment to our Deposit Account No. 502664.

Certificate of Mailing Under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope address to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on November 12, 2003.

  
Kathy Johnston

Respectfully submitted,

  
James S. Hsue  
Attorney for Applicant(s)  
Reg. No. 29,545



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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San Francisco, California  
November 12, 2003

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Commissioner for Patents  
P. O. Box 1450  
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**RESPONSE TO OFFICE ACTION**

Dear Sir:

This is in response to the Office Action mailed on September 11, 2003 setting a period for a response expiring on October 11, 2003. Attached is a request for Extension of Time to extend the response period to expire on November 12, 2003; November 11, 2003 being a Federal Holiday.

The undersigned attorney appreciates the telephonic interview granted by the Examiner, Mr. Marschel on November 12, 2003. During the interview, the undersigned attorney proposed that the restriction requirement be modified in order to combine sets I and II into a single group, on the ground that the combination would not require separate searches to be performed. Examiner Marschel disagreed, indicating that a number of differences between, for example, features of claims 1 and 23 require that each group be searched separately. No agreement has been reached in the interview.

The Office Action requires restriction to the following four groups of claims:

- I. Claims 1-22, 28-34, 44, 46, 51, 53, 54, 58, 60, and 61.
- II. Claims 23-27, 45, 52, and 59.
- III. Claims 35-38, 48, 49, 55, 56, 62, and 63.
- IV. Claims 39-43, 50, 57, and 64.

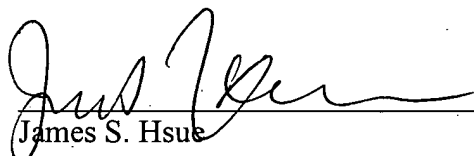
It is noted that claim 47 has been omitted from the listing of the claim in the above four groups. It is believed that claim 47 should be grouped together within the group I of claims. This response assumes that claim 47 should be in group I.

Group I containing claims 1-22, 28-34, 44, 46, 47, 51, 53, 54, 58, 60, and 61 is hereby elected for prosecution in the present application. Please cancel the non-elected claims as directed to non-elected subject matter.

The Office Action further requires election between species A and B and between species C and D. We hereby elect species A. The claims that are readable on species A include claims 1-30, 33, 35-46, 48-53, 55-60 and 62-64. We also hereby elect species C. The claims that are readable on species C include claims 1-50 and 58-64.

The above elections are made without traverse.

Respectfully submitted,

  
James S. Hsue  
Reg. No. 29,545